

**REMARKS**

This is intended as a full and complete response to the Office Action dated May 3, 2004, having a shortened statutory period for response set to expire on August 3, 2004. Please reconsider the claims pending in the application for reasons discussed below.

***Claim Rejections - 35 U.S.C. § 102***

Claims 1, 2, 4-7, 11, 17-19, 21, 29 and 31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Rajasubramanian et al. "Rajasubramanian"* (U.S. Patent No. 5,890,371).

The Examiner states that Rajasubramanian discloses an enclosure that houses heat producing equipment such as a microwave repeater station or electronic equipment and comprises: a heat exchanging system (12), an enclosure (20), a DC power source (19), a thermoelectric system (30) that receives input power, a temperature sensor (36) that measures temperature of air in enclosure, a temperature control system (14) and a battery (60).

Claim 1 recites the limitation of "an inner enclosure within the main enclosure, the inner enclosure made of a thermally conductive material that is thermally coupled to the thermoelectric coolers" that "maintain the temperature within the temperature-controlled zone within a specified range by conduction between the thermoelectric coolers and the inner enclosure." To the contrary, Rajasubramanian teaches one enclosure (reference character 20 in Figure 3) located adjacent an attached housing (70) and not within any other enclosure. Additionally, the enclosure (20) in Rajasubramanian is not thermally coupled to the thermoelectric devices (52), and there is no indication that the enclosure (20) is made of a thermally conductive material. It is this thermal conductivity and thermal coupling of the inner enclosure to the thermoelectric coolers in the

present application that enables conduction to occur between the thermoelectric coolers and the inner enclosure. However, Rajasubramanian relies solely on convection and not conduction. Rajasubramanian therefore fails to teach or suggest each and every limitation of claim 1, and this failure precludes Rajasubramanian from anticipating claim 1 and claims 2, 4, 6, 7 and 11 dependent thereon. Accordingly, Applicants respectfully request withdrawal of the rejection and allowance of the claims.

Claim 17 recites the limitation of "a thermally conductive manifold that is thermally coupled to the one or more solid state cooling devices to conduct heat from the temperature-sensitive components to the solid state cooling devices." As described above regarding claim 1, Rajasubramanian lacks any structure that provides conduction with the thermoelectric devices. Therefore, Rajasubramanian fails to teach or suggest each and every limitation of claim 17, and this failure precludes Rajasubramanian from anticipating claim 17 and claims 18-19 dependent thereon. Accordingly, Applicants respectfully request withdrawal of the rejection and allowance of the claims.

Claim 21 recites the limitation of "one or more thermoelectric coolers thermally coupled via at least one thermally conductive manifold with at least one of the optical signal processing components." Again, Rajasubramanian lacks any structure that provides conduction with the thermoelectric devices. Therefore, Rajasubramanian fails to teach or suggest each and every limitation of claim 21, and this failure precludes Rajasubramanian from anticipating claim 21 and claim 29 dependent thereon. Accordingly, Applicants respectfully request withdrawal of the rejection and allowance of the claims.

Claim 31 recites the limitation of "thermally coupling the temperature-sensitive components to one or more thermoelectric coolers via at least one thermally conductive manifold." Once again, Rajasubramanian lacks any thermally coupling to the thermoelectric devices that relies on conduction. Therefore, Rajasubramanian fails to teach or suggest each and every limitation

of claim 31, and this failure precludes Rajasubramanian from anticipating claim 31 and claims 33-36 dependent thereon. Accordingly, Applicants respectfully request withdrawal of the rejection and allowance of the claims.

***Claim Rejections - 35 U.S.C. § 103***

Claims 3, 10 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rajasubramanian in view of *Sundhar* (U.S. Patent No. 6,453,678).

Applicants submit that claims 3, 10 and 30 are patentable over the cited references based at least on the traversal described above regarding the claims from which these claims depend. Accordingly, Applicants respectfully request withdrawal of the rejection and allowance of the claims.

***Allowable Subject Matter***

Claims 8, 9, 12-16, 20, 22-28 and 32 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants have rewritten claim 15 in independent form including all of the limitations of the base claim. Applicants submit that claims 8, 9, 12-14, 16, 20, 22-28 and 32 are patentable over the cited references based at least on the traversal described above regarding the claims from which these claims depend. Accordingly, Applicants respectfully request withdrawal of the rejection and allowance of the claims.

**Conclusion**

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicants' disclosure than the primary references cited in the office action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed. Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



---

Randol W. Read  
Registration No. 43,876  
MOSER, PATTERSON & SHERIDAN, L.L.P.  
3040 Post Oak Blvd. Suite 1500  
Houston, TX 77056  
Telephone: (713) 623-4844  
Facsimile: (713) 623-4846  
Attorney for Applicants